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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/821,184

03/29/2001

Kenneth A. Parulski

75276CRC

6403

7590

03/24/2004

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EXAMINER

LAMB, TWYLER MARIE

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,184

Applicant(s)

PARULSKI ET AL.

Examiner

Twyler M. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9,10,13,14 and 17 is/are rejected.
- 7) ☐ Claim(s) 3,4,7,8,11,12,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Notice to Applicant (s)

1. This action is responsive to the following communications: Response filed on 2/26/04.
2. This application has been reconsidered. Claims 1-17 are pending.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-X are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (Sarbadhikari) (US 5,477,264) in view of Fukuoka (US 6,104,430).

With regard to claims 1 and 10, Sarbadhikari et al. discloses an electronic printing system (Figure 1, electronic still photography system, col 4, lines 1-6) for printing images stored on a removable memory card (removable memory card 3), the electronic printing system (Figure 1, col 4, lines 1-6) comprising: a memory card interface (memory card slot 2) for receiving the removable memory card (col 4, lines 2-6), the removable memory card (removable memory card 3) having stored thereon a plurality of digital image files (col 4, lines 6-9) and, the at least two digital image files corresponding to selected ones of a plurality of digital images captured by a digital camera adapted to receive the removable memory card (which reads on the memory

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card containing data files, therefore there would be at least two data files stored on the memory card) (col 4, lines 37-42); a processor (built-in memory card reader 5; col 4, lines 2-6) coupled to the memory card interface (memory card slot 2) for reading the print utilization files stored on the removable memory card (removable memory card 3) and the digital image files identified in the print utilization file (col 4, lines 37-42); a print engine (printer 6) coupled to the processor for producing prints of the at least two stored digital files identified in the print utilization file (col 10, lines 12-23).

Sarbadhikari does not clearly teach a print utilization file, the print utilization file identifying at least two digital images files stored on the removable memory card to be printed.

Fukuoka discloses a digital camera that includes a print utilization file (col 7, line 46 – col 8, line 29), the print utilization file (col 7, line 46 – col 8, line 29) identifying at least two digital images files stored on the removable memory card to be printed (col 7, line 46 – col 8, line 29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sarbadhikari to include teach a print utilization file, the print utilization file identifying at least two digital images files stored on the removable memory card to be printed as taught by Fukuoka. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sarbadhikari by the teaching of Fukuoka to indicate the type of files and other information regarding how the files are arranged and how to read the files are stored in the memory card as taught by Fukuoka in col 7, line 46 – col 8, line 29.

With regard to claim 2, Sarbadhikari et al. also discloses further including an internal memory (image buffer 18) for storing at least a portion of one digital image file to be printed (col 10, lines 9-58).

With regard to claim 5, Sarbadhikari et al. also discloses wherein the print utilization file further includes the file type of each digital image file (which reads on the stored image signals being of the JPEG type) (col 6, lines 26-37).

With regard to claim 6, Sarbadhikari et al. also discloses wherein the file type of at least one digital file is a JPEG file type (col 6, lines 26-37).

With regard to claim 9, Sarbadhikari et al. also discloses wherein the print utilization file further identifies a template to be combined with a particular digital image file to form a composite image to be printed (col 10, lines 24-53).

With regard to claim 13, Sarbadhikari et al. also discloses wherein the print utilization file further includes the file type of each digital image file (which reads on the stored image signals being of the JPEG type) (col 6, lines 26-37).

With regard to claim 14, Sarbadhikari et al. also discloses wherein the file type of at least one digital file is a JPEG file type (col 6, lines 26-37).

With regard to claim 17, Sarbadhikari et al. also discloses wherein the print utilization file further identifies a template to be combined with a particular digital image file to form a composite image to be printed (col 10, lines 24-53).

Allowable Subject Matter

3. Claims 3-4 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 11 identify the uniquely distinct features "wherein the print utilization file further includes the quantity of prints to be printed for each digital image file".

Claims 4 and 12 identify the uniquely distinct features "wherein the print utilization file further includes the size of the prints to be printed for each digital image file".

Claims 7 and 15 identify the uniquely distinct features "wherein the print utilization file further includes a customer name and a mailing address of such customer".

Claims 8 and 16 identify the uniquely distinct features "wherein the print utilization file further includes a credit card number of the customer".

Response to Arguments

3. Applicant's arguments, see Response page 2, filed 2/26/04, with respect to the rejection(s) of claim(s) 1-17 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further

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consideration, a new ground(s) of rejection is made in view of Sarbadhikari et al.

(Sarbadhikari) (US 5,477,264) in view of Fukuoka (US 6,104,430).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

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Twyler Lamb

A handwritten signature in black ink, appearing to read 'Twyler Lamb', with a long horizontal flourish extending to the right.

March 22, 2004